

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby amends Chapter 11, "Complaints, Investigations, Contested Case Hearings," Iowa Administrative Code.

This amendment to subrule 11.4(5) changes when a copy of the complaint will be given to a respondent. This amendment is needed to comply with changes made in 2010 Iowa Acts, Senate File 2376.

In compliance with Iowa Code section 17A.4(3), the Board finds that notice and public participation are unnecessary because the Board is carrying out the requirements of legislation that became effective upon enactment on April 22, 2010.

The Board also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendment should be waived and the amendment should be made effective upon filing with the Administrative Rules Coordinator on May 14, 2010, as the legislation took effect April 22, 2010, and it benefits the public to have the rules be consistent with statute.

The Board of Educational Examiners adopted this amendment on May 7, 2010.

This amendment is intended to implement Iowa Code chapter 272.

This amendment became effective on May 14, 2010.

The following amendment is adopted.

Amend subrule 11.4(5) as follows:

11.4(5) ~~Form and content of the complaint notice to the respondent. Respondent entitled to copy of the complaint.~~ Immediately upon the board's determination that jurisdictional requirements have been met, the respondent shall be provided a copy of the complaint or amended complaint and any supporting documents attached to the complaint at the time of filing.

~~a. The complaint notice to the respondent shall be in writing.~~

~~b. The complaint notice to the respondent shall contain the following information:~~

~~(1) The full name, address, and telephone number, if known, of the respondent.~~

~~(2) A concise statement of the facts which clearly and specifically apprises the respondent of the details of the alleged violation of the criteria of professional practices or the criteria of competent performance.~~

~~(3) An explanation of the facts underlying the complaint.~~

~~(4) A citation to the specific rule or law which the complainant alleges has been violated.~~

[Filed Emergency 5/14/10, effective 5/14/10]

[Published 6/2/10]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/2/10.